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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 In re: OUTERWALL, INC., et al.,
11 STOCKHOLDER LITIGATION

12 This Order Relates to: ALL
13 ACTIONS
14

MASTER DOCKET NO.
C16-1275JLR
(consolidated with Nos.
C16-1281JLR, C16-1285JLR,
C16-1316JLR, C16-1329JLR)

ORDER CONCERNING ORAL
ARGUMENT ON DEFENDANTS'
MOTION TO DISMISS

15 In their memoranda related to Defendants' motion to dismiss (MTD (Dkt. # 34)),
16 the parties fail to address the issue of whether the court should grant leave to amend the
17 complaint. (*See generally* MTD; Resp. (Dkt. # 37); Reply (Dkt. # 38).) The court has
18 not decided any of the issues presented in Defendants' motion at this time. Nevertheless,
19 at oral argument, counsel should be prepared to address whether the court should grant
20 leave to amend if the court were to dismiss Plaintiffs' claims based on the "bespeaks

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1 caution” doctrine or whether granting such leave under those circumstances would be
2 futile.

3 Dated this 9th day of November, 2017.

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6 JAMES L. ROBART
7 United States District Judge
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